

REMARKS

Examiner has rejected Claims, notably Claims 6 and 9, as being unpatentable over the combined disclosures set forth in HILL, DEAN and WILLIAMS. These Claims have been rewritten in the form of newly presented Claims 10 and 11 and reconsideration is respectfully requested.

As stated in the original Claims and clarified in newly presented Claims 10 and 11, Applicant's invention incorporates a pivotal nose filter device retention means of single one-piece construction as opposed to the multiple loop pivots disclosed in the reference of WILLIAMS. For example, Examiner has stated that wire 4 is a pivot bar. Applicant wishes to point out that wire 4 does not pivot, rotate or move when the ear elements 7 are pivoted via the loops 5 and 6. In Applicant's invention, Applicant's bar 24 in FIGURES 2 and 4, as well as number 41 in FIGURE 6, rotates or pivots about a horizontal axis when the ear members 15 and 16 or members 33 and 34 are moved. Applicant's pivot means is one-piece and is of a general U-shaped configuration where the support means rotates as a unit. Applicant's pivot bar is rotatably carried within the groove between the pair of plates. Also, it is noted that Examiner has stated that the wire 4 of WILLIAMS provides a means to seal the mask to the bridge of the nose. However, this is achieved by bending or deforming the wire 4. The rigid pivot bar 24 or 41 of Applicant's invention is not bendable and is not deformable but to the contrary is rigid and is integrally formed with the support

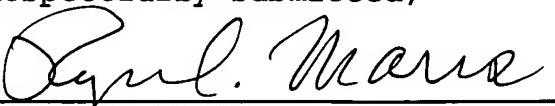
members 15 and 16 or support members 33 and 34. It is also noted that both the disclosure of HILL and of DEAN provide a device support means which encompasses the entire head of the user. There is no suggestion in the HILL reference that the device is supported solely by the ears.

Examiner has also stated that "it would have been an obvious matter of design consideration to a person of ordinary skill in the art to have grooves on the plates for pivotally mounting the support members." Applicant takes exception to this interpretation since there is no prior disclosure in the cited art which shows such a construction. Applicant's construction solves both manufacturing and assembly problems because the support means is of a one-piece rigid construction of a U-shaped configuration. Such a configuration is shown in Applicant's FIGURES 2 and 5 respectively. The strap C of HILL goes around the entire head and is flexible not rigid. Also, the strap 13 of DEAN is likewise flexible and not rigid and includes pivot points 12 which tie directly to the frame of the mask without an inner-connecting rigid pivot bar. And in the case of WILLIAMS, the wire 4 is flexible and is joined to the ends of the support members 7 by flexible loops which are not rigid integral non-pivoting connections with the opposite ends of a pivot bar 24 or 41, as suggested and claimed by Applicant.

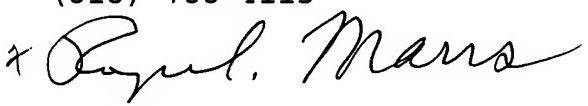
In view of the foregoing, it can be seen that Applicant's invention not only is of a sufficient structural distinction from the combined references of HILL, DEAN and WILLIAMS, but such a combination as suggested by Examiner can only be done with the foreknowledge of Applicant's invention. There is a total lack of suggestion in the three prior references that a U-shaped support means which is of integral and rigid construction can be utilized to decrease manufacturing assembly procedures and manufacturing costs. The pivots 5 embodying loops 5 and 6 of WILLIAMS is time consuming to prepare and assemble. Also, the pivot bar and groove arrangement which permits rotation of the U-shaped support means is a construction not suggested in the prior art.

In view of the foregoing, it is respectfully requested that Applicant's Claims 10 and 11 be found allowable and that the present Application be passed for early issuance.

Respectfully submitted,

  
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